

C. REMARKS

Claims 3 and 11 have been canceled without prejudice, and Claims 1 and 4 have been amended. The fact that Claims 3 and 11 have been canceled without prejudice is not to be construed as an admission by Applicants or Applicants' attorneys that such claims are not patentable, and Applicants reserve the right to prosecute such claims in a continuing application. The fact that Claims 1 and 4 have been amended is not to be construed as an admission by Applicants or Applicants' attorneys that such claims, prior to the amendment thereof, were not patentable.

A terminal disclaimer, which obviates the obviousness-type double patenting rejection over U.S. Patent No. 6,387,369, also accompanies this Amendment.

With respect to the rejection under 35 U.S.C. 112, first paragraph, independent Claims 1 and 4 are directed to methods for producing cardiomyocytes in a heart of an individual, and for improving ventricular wall motion of the heart of an individual, respectively, by administering to the individual autologous or allogeneic mesenchymal stem cells. The Examiner, in the Office Action, has admitted that the specification is enabling with respect to the administration of autologous or allogeneic MSCs. Therefore, for the above reasons and others, the specification provides an enabling disclosure, and it is therefore respectfully requested that the rejection under 35 U.S.C. 112, first paragraph, be reconsidered and withdrawn.

For the above reasons and others, this application is in condition for allowance, and it is therefore respectfully requested that the rejections be reconsidered and withdrawn and a favorable action is hereby solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Raymond J. Lillie". The signature is fluid and cursive, with the first name "Raymond" being more prominent.

Raymond J. Lillie
Registration No. 31,778